

HOUSE BILL REPORT

HB 1769

As Passed House:

March 8, 2005

Title: An act relating to jury source lists in counties with more than one superior court facility.

Brief Description: Authorizing jury source lists to be divided by jury assignment area.

Sponsors: By Representatives P. Sullivan, Simpson and Williams.

Brief History:

Committee Activity:

Judiciary: 2/16/05, 2/22/05 [DP].

Floor Activity:

Passed House: 3/8/05, 97-0.

Brief Summary of Bill

- Allows a superior court to divide the jury source list into jury assignment areas if the county has more than one superior court facility and a separate case assignment area for each facility.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

At least once a year, the superior court of each county receives a jury source list that consists of registered voters, licensed drivers, and "identocard" holders living in the county. The lists are merged to create a master jury list for that county. Potential jurors are randomly selected from that list.

The Washington Constitution, Article I, Section 22, requires that in a criminal prosecution, the defendant shall have the right to be tried by an "impartial jury of the county" in which the offense was allegedly committed.

The state Supreme Court recently addressed the district court's jury statutes, which allow district courts to select jurors from the "area served by the court" *State v. Twyman*, 143 Wn.2d

115 (2001). In that case, the jury was selected from three King County zip codes and not the whole of King County. The Court held that the district court's jury selection method did not violate the state Constitution.

The *Twyman* court referenced an earlier case, *Fugita v. Milroy*, 71 Wn. 592 (1913), which stated that the words "jury of the county" means the defendant "is entitled to have the venire extended to the body of the county, and that it may not be restricted to a less unit; *at least, without express legislative sanction.*" Both cases involved courts of limited jurisdiction, and the Court did not address whether its decision would be different for superior court jury selections.

Summary of Bill:

In a county with more than one superior court facility and a separate case assignment area for each facility, the jury source list may be divided into jury assignment areas. At the request of the majority of the judges of the superior court, the Administrative Office of the Courts may designate and adjust jury assignment area boundaries based on United States census data.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill will increase juror participation. Jury service in large counties requires multiple trips across the county, which is difficult for jurors with less income and who may not have transportation. Jurors are required to travel excessive distances, and this bill will decrease that burden. The state Supreme Court has held it constitutional to create jury source lists from only parts of a county for cases in district courts, and there is no reason to distinguish district courts from superior courts.

Testimony Against: Splitting the jury pool hampers proportional representation. There needs to be more data to see if it is true that jurors are not participating due to travel time and expense. Diversity in a jury includes economic, political, and educational diversity. Diversity factors affect verdicts.

Persons Testifying: (In support) Representative P. Sullivan, prime sponsor; Judge Richard Eadie, King County Superior Court; and Rowland Thompson, Washington State Jury Commission.

(Opposed) Ramona Brandes, Washington Association of Criminal Defense Lawyers and Washington Defenders' Association.

Persons Signed In To Testify But Not Testifying: None.